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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,913	07/15/2003	Anand Huprikar	12163	7163

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BASF CORPORATION
LEGAL DEPARTMENT
1609 BIDDLE AVENUE
WYANDOTTE, MI 48192

EXAMINER

NGUYEN, XUAN LAN T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,913

Applicant(s)

HUPRIKAR ET AL. 

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 18-30 is/are rejected.
- 7) ☒ Claim(s) 12-17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/15/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-11, 18-25 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Tondato.

Re: claims 1 and 2, Tondato shows a mounting assembly for a wheel suspension system of a vehicle having a vehicle body, as in the present invention, said mounting assembly comprising: a support structure 7, having an aperture and adapted to be mounted to the vehicle body; a piston rod 6 at least partially disposed within said aperture and displaceable relative to said support structure along a line of travel; a plate 11 mounted to said piston rod, via the cylinder 4, and moving relative to said support structure 7 during said displacement of said piston rod 6; and an insulator 3 disposed between said support structure 7 and said plate 11 for coupling said piston rod 6 to said support structure 7; said insulator 3 having a first portion 19 defining a first resistance for isolating said displacement of said piston rod and said plate during an application of a first force along said line of travel in a first direction, up, which at least partially compresses said first portion, and a second portion 16 defining a second resistance with said second resistance being greater than said first resistance for controlling said

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displacement of said piston rod and said plate after said application of said first force and during an application of a second force along said line of travel in said first direction, up, wherein said second force is greater than said first force such that said first is compressed before the second portion is compressed, as illustrated in figure 5 and described in column 4, lines 23-54.

Re: claims 3-5, figures 1-3 and column 3, lines 58-65 of Tondato shows that the first and second portions of the isolator are formed of the same homogenous material defined as micro-cellular polyurethane.

Re: claims 6 and 9-11, figures 1-3 show the second portion has a greater width and greater circumference than those of the first portion thus forming a ledge of a common homogenous material.

Re: claims 18 and 19, Tondato further shows a second insulator 9 mounted within the second cup of the support structure 7.

Re: claims 20 and 21, Tondato shows an insulator 3 for a mounting assembly of a wheel suspension system in a vehicle having a vehicle body wherein the mounting assembly includes a support structure 7 mounted to the vehicle body and a piston rod 6 displaceable relative to the support structure along a line of travel with said insulator 3 disposed adjacent the support structure for coupling the piston rod to the support structure, as in the present invention, said insulator comprising: a first portion 19 defining a first resistance for isolating the displacement of the piston rod during an application of a first force along the line of travel in a first direction, up, which at least partially compresses said first portion; and a second portion 16 defining a second

resistance with said second resistance being greater than said first resistance for isolating and translating the displacement of the piston rod after the application of the first force and during an application of a second force along the line of travel in the first direction wherein the second force is greater than the first force such that said first portion is compressed before the second portion is at least partially compressed as illustrated in figure 5 and described in column 4, lines 23-54.

Re: claims 21-24, figures 1-3 and column 3, lines 58-65 of Tondato shows that the first and second portions of the isolator are formed of the same homogenous material defined as micro-cellular polyurethane.

Re: claims 25 and 28-30, figures 1-3 show the second portion has a greater width and greater circumference than those of the first portion thus forming a ledge of a common homogenous material.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tondato in view of Nagashima.

Tondato's mounting assembly and insulator, as rejected in claims 1 and 20, lack the height for the first portion 19 of the insulator to be three times as high as the height

of the second portion 16. Nagashima teaches in figure 1 an insulator with the first portion, as marked in attachment #1, to be three times as high as the second portion, as marked in attachment #1, in order to further providing gradual increase in the level of dampening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Tondato's mounting assembly and insulator to include an insulator as taught by Nagashima wherein the height of the first portion is three times as high as the second portion in order to further provide gradual increase in the level of dampening to result in a softer ride for the passengers.

Allowable Subject Matter

5. Claims 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stewart et al., Galloway and Rice et al. show other insulators having a first portion, a second portion and a ledge. Pradel shows a mounting assembly on a shock absorber.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lan Nguyen
Patent Examiner
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